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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,583	10/26/2001	Brett A. Green	10013478-1	8143

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

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04/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,583	<b>Applicant(s)</b> GREEN, BRETT A.	
	<b>Examiner</b> CESAR B. PAULA	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,17,19,20,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 17, 19-20, and 24-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on 1/10/2008.

**This action is made Final.**

2. In the amendment, claims 2-3, and 18 have been canceled. Claim 25 has been added.

Claims 1, 4-8, 17, 19-20, and 24-25 remain pending. Claims 1, and 17 are independent claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, and 6 remain rejected under 35 U.S.C. 102(e) as being anticipated by Olbricht (U.S. Pat. No. 6429952; 8/6/2002, filed 8/31/1998).

**Regarding independent claim 1**, Olbricht discloses a web browser for scanning a document image from a stand-alone scanner over a network. A user enters the address or url of the scanner

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into the browser. The browser retrieves an HTML-formatted page from the scanner, which incorporates a server to transmit the page (col.2, lines 51-63, 64-col.3, lines 1-5, 30-41, fig.1)-- *an independent scanner that is separate from a computer receiving a scan request to initiate scanning of a document from a user network browser, the request having been sent directly to the independent scanner over a network; responsive to the scan request, an embedded server stored within memory contained within the independent scanner uploading content to the user network browser over via network.*

Moreover, Olbricht discloses that the page includes an interface with content, such as the a sizing grid, preview, and scan button, etc., using HTML, JAVA, or JAVA applets, for performing the document scanning according to various adjustments (col.2, lines 51-63, col.3, lines 42-67, col.4, lines 8-16, fig.1-2)-- *the content including a control screen interface and an executable application that is configured to perform a designated task on a computing device on which the user network browser runs; the independent scanner receiving selections made with the user network browser; and the independent scanner scanning the document in accordance with the user selections.*

**Regarding dependent claim 6**, which depends on claim 1, Olbricht discloses the scanner has an http server incorporated therein for generating the file returned to the browser (col.2, lines 51-63, col.3, lines 31-41 fig.1)—*the independent scanner uploading to the user network browser with the embedded server of the independent scanner scanned data to the user network browser for viewing.*

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 7, 8, 17, 19-20 and 24 remain, and 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olbricht in view of Os et al. (U.S. Pat. No. 6480304; 11/12/2002; filed 12/9/1998).

**Regarding independent claim 17**, Olbricht discloses a web browser for scanning a document image from a stand-alone scanner over a network. A user clicks on a scan button on the browser. The scanner uses firmware to scan the image and returns it as a file to the browser (col.2, lines 64-col.3, lines 1-5, 30-41, col.4, lines 22-30, fig.1)-- *An independent scanner scanning device separate from a computer and configured for walk-up use, the independent scanner comprising: a processing device provided within the independent scanner; scanning hardware provided within the independent scanner; and memory provided within the independent scanner, and logic for generating at least one control screen that can be uploaded to a user network browser, the memory comprising storing a scan control module comprising a scanning module.*

In addition, Olbricht discloses adjusting the scanning parameters to scan the document image in accordance with the parameters. The page includes an interface with content, such as

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the a Java sizing grid, preview, and scan button, etc., using HTML, JAVA, or JAVA applets, for performing the document scanning according to various adjustments (col.2, lines 51-63, col.3, lines 42-67, col.4, lines 8-16, fig.1-2)— *the memory of the independent scanner further storing an embedded server that is configured to serve to the user network browser via a network the at least one control screen and an executable application that is configured to perform a designated task on a computing device on which the user network browser runs.*

Moreover, Olbricht discloses the scanner has an http server incorporated therein for generating the file returned to the browser (col.2, lines 51-63, col.3, lines 31-41 fig.1)-- *responsive to the scan request, an embedded server stored within memory contained within the independent scanner uploading content to the user network browser over via network.*

Olbricht does not teach the independent scanner with *an optical character recognition module.*

Os discloses automatically performing optical character recognition on a scanned document when received from a scanner (col.7, line 43-col.8, line 20, col.3, lines 56-67, fig.4). It would have been obvious to one of ordinary skill in the art, having the teachings of Olbricht and Os before him at the time the invention was made, to modify the method taught by Olbricht to include performing optical character recognition on a scanned document as taught by Os, because of all the reasons taught by Olbricht, such as transforming the image document into a format usable by the browser (col.2, lines 57-63). Os including automatically configure the operation of the scanner in a manner that requires significantly less user intervention(col.3, lines 27-34).

**Regarding dependent claim 4,** Olbricht does not teach *at least one application is configured to perform optical character recognition on the scanned document*. Os discloses automatically performing optical character recognition on a scanned document when received from a scanner (col.7, line 43-col.8, line 20, col.3, lines 56-67, fig.4). It would have been obvious to one of ordinary skill in the art, having the teachings of Olbricht and Os before him at the time the invention was made, to modify the method taught by Olbricht to include performing optical character recognition on a scanned document as taught by Os, because of all the reasons taught by Os including automatically configure the operation of the scanner in a manner that requires significantly less user intervention(col.3, lines 27-34).

**Regarding dependent claim 5,** Olbricht does not teach *at least one application is configured to locate an optical character recognition module of a computing device on which the browser runs*. Os discloses automatically performing optical character recognition on a scanned document when received from a scanner (col.7, line 43-col.8, line 20, col.3, lines 56-67, fig.4). It would have been obvious to one of ordinary skill in the art, having the teachings of Olbricht and Os before him at the time the invention was made, to modify the method taught by Olbricht to include performing optical character recognition on a scanned document as taught by Os, because of all the reasons taught by Os including automatically configure the operation of the scanner in a manner that requires significantly less user intervention(col.3, lines 27-34).

**Regarding dependent claim 7,** the claim reflects the method and system for performing the operations of claim 4 and is rejected along the same rationale.

**Regarding dependent claim 8**, Olbricht does not teach *uploading an optically character recognized document to the user browser for viewing*. Os discloses automatically performing optical character recognition on a scanned document when received from a scanner, and delivering it to an application program (col.7, line 43-col.8, line 20, col.3, lines 56-67, fig.4). It would have been obvious to one of ordinary skill in the art, having the teachings of Olbricht and Os before him at the time the invention was made, to modify the method taught by Olbricht to include performing optical character recognition on a scanned document as taught by Os, because of all the reasons taught by Os including automatically configure the operation of the scanner in a manner that requires significantly less user intervention (col.3, lines 27-34).

**Regarding dependent claims 19 and 20**, the claims reflect the device for performing the operations of claims 4 and 5 respectively and are rejected along the same rationale.

**Regarding dependent claim 24**, which depends on claim 17, Olbricht discloses adjusting the scanning parameters to scan the document image in accordance with the parameters (col.3, lines 6-25, fig.2-3)-- *wherein the independent scanner is configured as a multifunction peripheral (MFP) device that is capable of scanning as well as other functionalities*.

**Regarding dependent claim 25**, Olbricht does not teach *the embedded server is configured to serve optically documents generated by the optical character recognition module in HTML format to the network*. Os discloses automatically performing optical character



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recognition on a scanned document when received from a scanner (col.7, line 43-col.8, line 20, col.3, lines 56-67, fig.4). It would have been obvious to one of ordinary skill in the art, having the teachings of Olbricht and Os before him at the time the invention was made, to modify the method taught by Olbricht to include performing optical character recognition on a scanned document in an HTML format as taught by Os, because of all the reasons taught by Os including automatically configure the operation of the scanner in a manner that requires significantly less user intervention(col.3, lines 27-34), and importing the scanned document directly into the browser (col.2, lines 32-40). This would enable the quick, and direct importing of the ocr document to be displayed in a format understood by the browser.

### ***Response to Arguments***

Applicant's arguments filed 1/10/2008 have been fully considered but they are not persuasive. Concerning claim 1, the Applicant underscores that Olbricht says nothing about uploading an executable application (page 6). The Examiner disagrees, because Olbricht discloses that the page includes an interface with content, such as the a sizing grid, preview, and scan button, etc., using HTML, JAVA, or JAVA applets, for performing the document scanning according to various adjustments (col.2, lines 51-63, col.3, lines 42-67, col.4, lines 8-16, fig.1-2).

Claims 4-8, 17, 19-20, and 24-25 remain rejected based on the reasons underscored above.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about

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access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866

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Representative or access to the automated information system, please call 800-786-9199 or 571

272-1000 (USA or Canada).

Any response to this Action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- **(571)-273-8300** (for **all** Formal communications intended for entry)

/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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4/10/2008